

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 6, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - ROC-19273 - APPLICANT: AAG-LAS VEGAS -
OWNER: MUSTANG MAN, LLC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 16, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (3-2-1/ds/bg/rt vote) and staff recommend DENIAL.

Planning and Development

1. Condition Number 18 of Reclassification of Property (Z-0045-88) shall be deleted.
2. Conformance to the all other Conditions of Approval for Reclassification of Property (Z-0045-88) shall be required.
3. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-19103) shall be required prior to issuance of any permits or business licenses for the site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition of Condition Number 18 of an approved Reclassification of Property (Z-0045-88) to allow auto dealer inventory storage where the original condition stated that “there shall be no outdoor storage of any kind” within the Rainbow/Sahara Commercial Development of which the 1.61 acres at 6750 West Sahara Avenue is a part. The applicant intends to allow a proposed auto dealer inventory storage use to provide off site storage of inventory that they feel will be compatible with other similar locations in the area.

During the 07/06/88 City Council meeting to hear the Reclassification of Property (Z-0045-88) this condition was added. The use is not compatible with the surrounding activities within the Rainbow/Sahara Commercial Development. Staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/06/88	The City Council approved a Zoning Reclassification (Z-0045-88) for this site as a part of a larger request. Staff had recommended approval and the Planning Commission recommended approval.
08/16/89	The City Council approved a request for a Review of Conditions (Z-0045-88) to allow a outdoor storage in connection with a retail nursery sales within the Rainbow / Sahara Commercial Development. The Planning Commission and staff had recommended approval.
04/13/95	The Planning Commission approved a Plot Plan Review [Z-0045-88(16)] for the existing structure on the subject site.
05/17/95	The City Council approved a Special Use Permit (U-0045-95) for a Supper Club. The Zoning Board of Adjustment and staff recommended approval.
05/19/04	The City Council approved a request for a Special Use Permit (SUP-3986) to allow a Supper Club use on the subject property. The Planning Commission and staff had recommended approval.
07/07/04	The City Council denied an appeal of a denial vote by the Planning Commission for a Special Use Permit (SUP-3972) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on the subject site. Staff recommended approval and the Planning Commission recommended denial.
05/25/05	The Supper Club use on the subject site ceased business operations.
11/25/05	The Special Use Permit (SUP-3986) to allow the Supper Club use became void.
06/22/06	The Planning Commission denied a request for a Special Use Permit (SUP-13383) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on the subject site. Staff recommended denial.

03/22/07	The Planning Commission held in abeyance this application and a companion Special Use Permit (SUP-19103).
04/12/07	The Planning Commission recommended denial of companion item SUP-19103 concurrently with this application. The Planning Commission voted 3-2-1/ds/bg/rt to recommend DENIAL (PC Agenda Item #42/rts).
<i>Related Building Permits/Business Licenses</i>	
05/17/04	A business license for a R09 (Restaurant: Seating 45 or more - an establishment providing preparation and retail sale of food & beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses) category license was processed in by the Department of Finance and Business Services. This license (R09-01257) was issued by Business Services on 08/25/04 with no apparent Planning and Development review. This license has been marked out of business as of 05/25/05.
<i>Pre-Application Meeting</i>	
11/16/06	A pre-application meeting was held. Submittal requirements for a Review of Condition were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.61
Net Acres	1.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
North	Condominiums	M (Medium Density Residential)	R-PD16 (Residential Planned Development – 16 Units Per Acre)
South	Commercial Use	Clark County	C-2 (General Commercial – Clark County)
East	Church/House of Worship	SC (Service Commercial)	C-1 (Limited Commercial)
	Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)
West	Supper Club	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the Master Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is consistent with the Master Plan, and outdoor storage is generally a permitted use with the approval of a Special Use Permit.

Condition #18 of the Reclassification of Property (Z-0045-88) states, "There shall be no outdoor storage of any kind." The applicant wants to review the condition to allow the outdoor storage so that a Special Use Permit (SUP-19103) for a proposed auto dealer inventory storage use at this location may be heard.

In 1988, the site was developed for a multi-building shopping center that was protested by a number of community members. At the Planning Commission and the City Council meetings the public hearings resulted in additional conditions to help reduce the impacts on the neighboring residential properties. Condition 18 was added at the City Council meeting on 07/06/88 to further the reduction of impacts identified by the protesters. In 1989 a retail tenant requested a review of conditions to delete this condition. The condition was not deleted but allowances were made for live, nursery stock to be available outdoors for retail sales purposes provided that the area was used only for that purpose and was fully screened.

There is no substantial reason for removing Condition Number 18, which in effect would not allow the approving of the Special Use Permit (SUP-19103).

FINDINGS

The applicant indicates that there have been changes in the activities along West Sahara Avenue since this condition was imposed that make it no longer necessary. Staff cannot support the request to remove the condition and thus to potentially allow the unscreened, auto dealer inventory storage use as Condition Number 18 was added to reduce the impacts of commercial intensity in the area which is still appropriate.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 5

SENATE DISTRICT 8

NOTICES MAILED 107 by City Clerk

APPROVALS 0

PROTESTS 1